



HOWARD TERMINAL BAY PLAN AMENDMENT 2-19

BCDC Commission Consideration and Vote
June 30, 2022
Cory Mann, Coastal Scientist

PRESENTATION OVERVIEW

- Overview of Bay Plan Amendment 2-19
- Decision-making framework
- Summary of public comments
- Additional staff analysis
- Revised Environmental Assessment

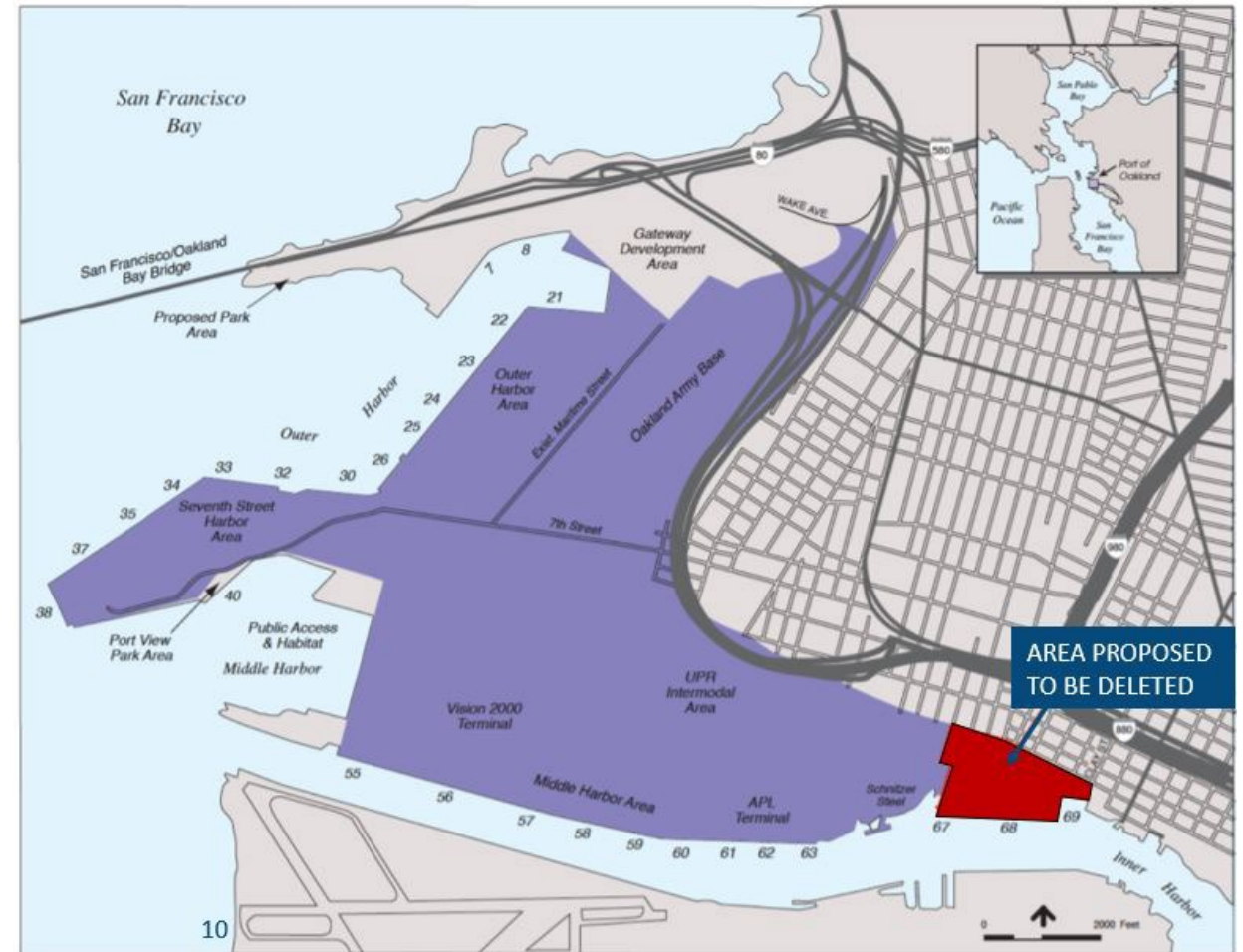
BACKGROUND AND OVERVIEW OF BPA 2-19

Bay Area Seaport Plan and San
Francisco Bay Plan



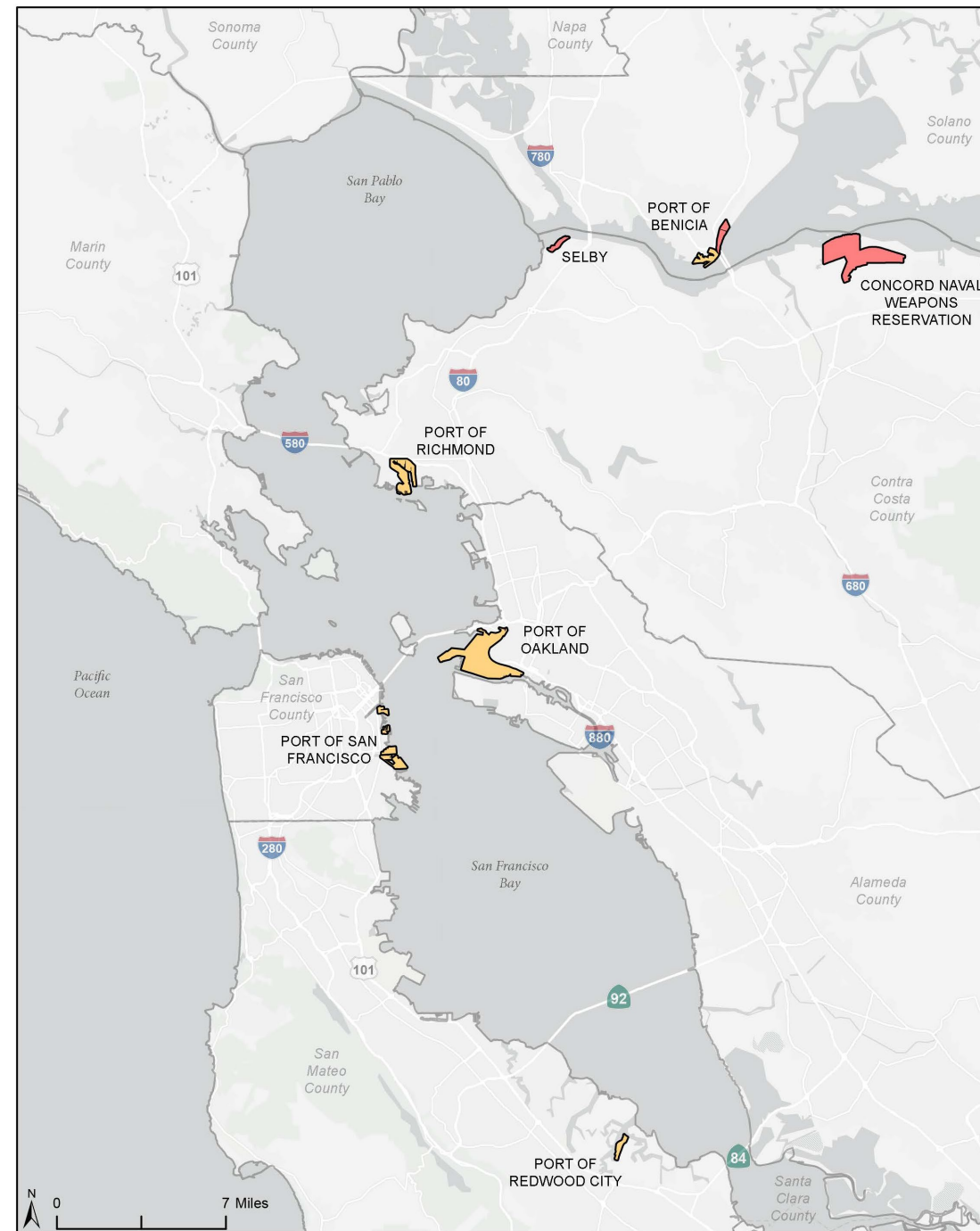
BAY PLAN AMENDMENT 2-19

- Oakland Athletics' request to amend the Seaport Plan and Bay Plan to remove the Port Priority Use Area designation from Howard Terminal at the Port of Oakland.
- Amendment scope: is Howard Terminal needed for regional Port Priority use?



SAN FRANCISCO BAY PLAN AND SEAPORT PLAN

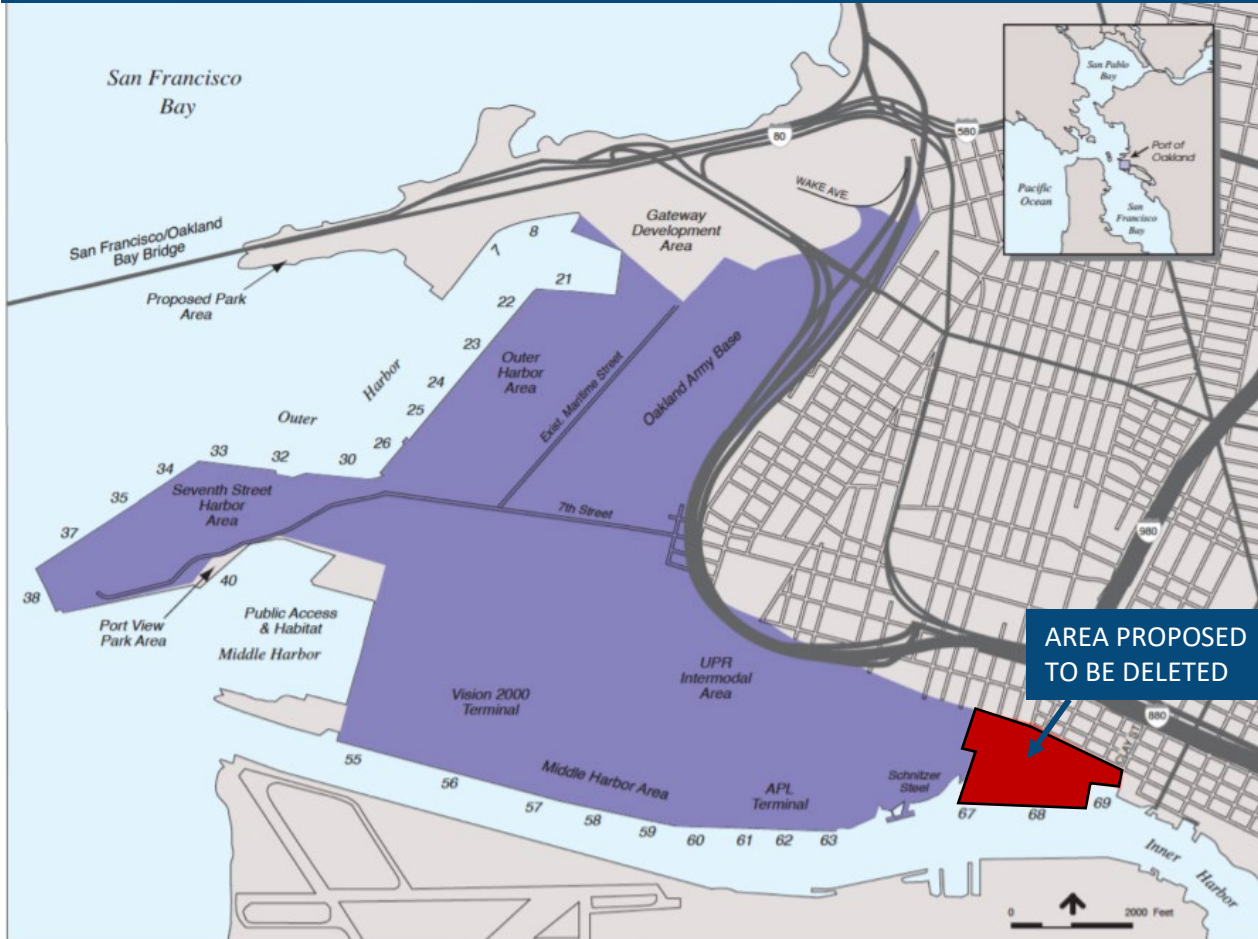
- BCDC establishes land use policies in the Bay and along its shoreline through the San Francisco Bay Plan.
- Seaport Plan is a more specific application of the Bay Plan.
 - Purpose is to coordinate the planning and development of Bay port terminals to minimize Bay fill.
 - Seaport Planning Advisory Committee (SPAC)- advisory body to the Commission.
 - Port Priority Use Areas- reserved for port-related uses.



BAY AREA PORT PRIORITY USE AREAS

BAY PLAN AMENDMENT 2-19

Oakland Port Priority Use Area



- Howard Terminal is part of the Oakland Port Priority Use Area.
- Total area proposed to be removed is 56 acres.
- Removing the Port Priority Use Area designation is a prerequisite for Commission to consider a permit application.

COMMISSION DECISION FRAMEWORK: SEAPORT PLAN

General Policy 4 of the Seaport Plan informs the grounds or basis upon which the Commission should base its decision regarding BPA No. 2-19.

“Deletions of the port priority use and marine terminal designations from this plan should not occur unless the person or organization requesting the deletion can demonstrate to the satisfaction of the Seaport Planning Advisory Committee that the deletion does not detract from the regional capability to meet the projected growth in cargo. Requests for deletions of port priority or marine terminal designations should include a justification for the proposed deletion and should demonstrate that the cargo forecast can be met with existing terminals.”

ADDITIONAL POLICY CONSIDERATIONS



- Consistency of the proposed amendment with the McAteer-Petris Act.
- BCDC will perform an analysis of the Project's consistency with relevant San Francisco Bay Plan policies after a permit application is received.
- Staff Report and Preliminary Recommendation provided a high-level analysis of how BPA 2-19 relates to public access, climate change, and environmental justice and social equity.

ENVIRONMENTAL JUSTICE

- The Commission will evaluate the consistency of the Ballpark Project with the relevant Bay Plan policies, including Environmental Justice and Social Equity policies, should a permit application be submitted for the Ballpark Project.
- Bay Plan Policy 1 on Environmental Justice and Social Equity states, “the Commission’s guiding principles on environmental justice and social equity should shape all of its actions and activities”.
- Potential impacts and benefits result from the subsequent use of the property, such as from the Ballpark Project itself, not from the removal of the Port Priority Use Area designation.

AB 1191 (BONTA, 2019)

- Requires BCDC to determine whether Howard Terminal is needed for Port Priority Use Area, but it does not substantively change any BCDC policies or processes.
- BCDC is required to make this determination within 140 days of certification of the City of Oakland's Final Environmental Impact Report for the Oakland Waterfront Ballpark District. Deadline is July 7th.
- If the A's don't enter a binding agreement by 2025, the Port Priority Use Area designation is automatically reinstated.
- If BPA 2-19 is approved, then the project will be required to obtain a BCDC Major Permit.

COMMISSION DECISION FRAMEWORK



In scope:

Is Howard Terminal needed for regional Port Priority Use Area?



Out of scope:

Evaluating the merits of the proposed ballpark district project.

*Requires an affirmative vote of two-thirds of all the Commission members.
(18 Commissioners)*

PUBLIC COMMENT

Photo: Port of Oakland



PUBLIC COMMENT

- Public comment period: 5/2 to 6/3/2022.
- 136 unique written public comments and 80 oral public comments.
- Over 1,500 comments throughout the BPA 2-19 process.
- Major themes:
 - Support or opposition to the proposed Ballpark Project.
 - Existing uses of Howard Terminal and potential impacts to port operations and employment.



FINAL RECOMMENDATION

Cargo Growth and Capacity
Additional Analysis

- Turning Basin widening
- Ancillary uses

Environmental Assessment



CARGO FORECAST

- Forecasts to 2050 for the three major cargo types handled in the Bay Area: container cargo, roll-on/roll-off (or “Ro-Ro”) cargo, and dry bulk cargo.
- Moderate growth is the “expected” scenario.
 - Slow and Strong growth alternates.
- Base productivity is the “expected” scenario.
 - Low and High productivity alternates.
- Staff recommends use of the Moderate Growth/Base productivity scenarios.



CARGO GROWTH AND CAPACITY FINDINGS

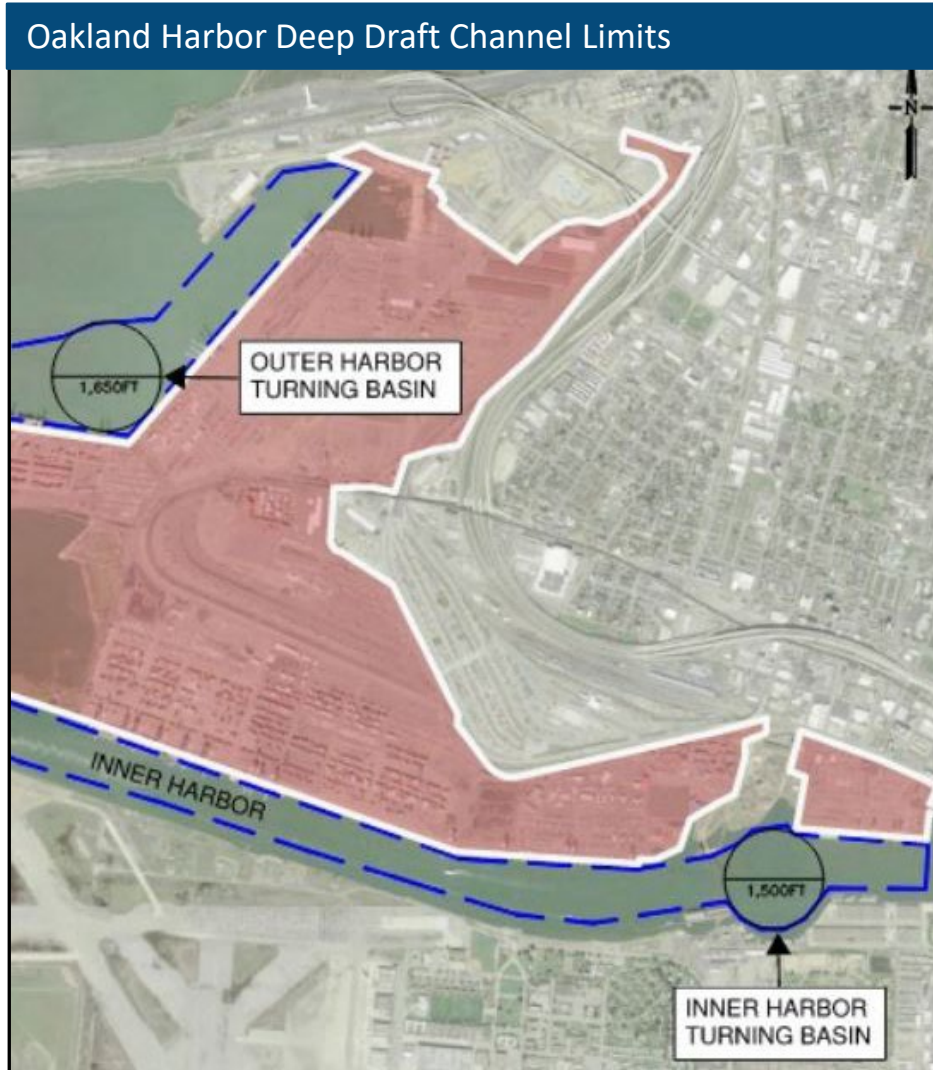
MODERATE GROWTH AND BASE PRODUCTIVITY

- Container Cargo
 - Bay Area region will need 136-166 additional acres by 2050.
 - The Port of Oakland will be at 98-100% capacity by 2050 without Howard Terminal, or at 93% capacity with Howard Terminal.
- Roll-on/roll-off (Ro-Ro) Cargo
 - Bay Area region will need to activate 114 more acres by 2050.
- Dry Bulk Cargo
 - Bay Area region will need to activate 12 more acres by 2050.

CARGO GROWTH AND CAPACITY FINDINGS CONTINUED

- Bay Area region will need to activate **262 – 292** acres of Port Priority Use Area by 2050. The Cargo Forecast identified **283** acres without Howard Terminal.
 - Estimated range: **9-acre deficit** to **21-acre surplus** in 2050.
- With or without Howard Terminal, there will be little room for growth in existing Port Priority Use Areas beyond 2050.
- Howard Terminal can handle cargo but has limited utility. Given the site limitations, staff does not believe that retaining Howard Terminal would meaningfully improve the region's ability to handle cargo growth.
- **Staff recommendation:** Staff finds that the Applicant has demonstrated that removing Howard Terminal would not detract from the regional capability to handle the projected growth in cargo within the forecasted planning horizon.

OAKLAND HARBOR TURNING BASINS WIDENING



- Separate project being led by the US Army Corps of Engineers, in collaboration with the Port of Oakland.
- Studying the feasibility of widening the Oakland Inner Harbor Turning Basin.
- **Staff conclusion:** Retention of the Port Priority Use Area designation is not a prerequisite for the turning basin project to proceed.

ANCILLARY USES

Port response:

- “[t]he uses on the Howard property are not water-dependent, are temporary in nature, and/or could be relocated on short notice within the Seaport’s existing 305 acres of ancillary backlands.”
- **Staff conclusion:** Relocation of ancillary uses at Howard Terminal would not detract from the region's ability to meet projected growth in cargo.

Temporary Use	Acres	Potential Relocation Site(s)
Pandemic Congestion* Relief Yard (“Pop Up Yard”) - mostly empty container stacking	21.70	No more need when pandemic-induced congestion dissipates. Any remnant needs for empty container storage could be accommodated in the State of California storage facilities.
Port-managed parking or container staging (single level, wheeled) Cargo Forecast determined 33 acres total required for 2050 moderate forecast.	15.00	<ul style="list-style-type: none"> • Port-operated truck parking lot at Roundhouse Property (15 acres at 1195 Middle Harbor Road) • City-owned truck and wheeled container parking (15 acres at 10 Burma Road) • Various leased lots to long-term logistics support tenants
Longshore training area	5.00	Planned for the backlands at Berth 10 near 17th and Maritime Streets
Leased container staging and truck parking (single level, wheeled)	3.65	<ul style="list-style-type: none"> • Various leased lots to long term logistics support tenants • Container owner operated facilities inland of Port
Vessel lay-berthing (mooring) facilities	1.32	Vessel lay-berthing (mooring) at Howard is temporary use; vessel will leave Howard berth
Truck Repair	0.16	No more need as truck parking relocates
Total (Acres)	46.83	

ADDITIONAL COMMISSIONER QUESTIONS AND ANSWERS

- Ro-Ro exports: Tesla production
 - If exports dropped to zero by 2050: 3 additional acres needed (instead of 114). Slow Growth: 36 acres needed.
- Vehicle Miles Traveled (VMT) methodology
 - The Cargo Forecast utilized the Federal Highway Authority's (FHWA) forecast of Vehicle Miles Travelled (VMT).
- Additional Information on Environmental Justice and Equity
 - The City of Oakland provided more information, summarized in the Final Recommendation.
- Port congestion
 - Revised EA includes a new section on Other Indirect Cumulative Effects due to Lack of Long-Term Regional Port Capacity.

ADDITIONAL COMMISSIONER QUESTIONS AND ANSWERS

- Financial and Physical Feasibility of Redeveloping Howard Terminal for Cargo Use
 - Port provided additional information in related to financial and physical feasibility constraints.
 - The Tioga Group responded that regardless of size, Howard Terminal would be the best available site for marine container terminal expansion when the Port of Oakland runs out of capacity around 2050.
- Contamination of the Site and Sea Level Rise
 - Applicant states that the proposed Project includes additional work toward managing and monitoring contamination on the Howard Terminal property, including preparing of a remediation action Plan.
- Port Future Capacity and Productivity for Container Cargo
 - Staff does not recommend any changes to the Cargo Forecast's conclusions.
- Will Bay fill be needed to increase capacity or efficiency at the Port?
 - “[t]he Port has NOT revived any Seaport Bay fill projects and has no plans for, nor any funding for, any Bay fill”.

REVISED ENVIRONMENTAL ASSESSMENT (EA)

- BCDC regulations require the EA to identify environmental impacts of BPA No. 2-19 and any feasible mitigation measures or alternatives.
- In response to three comment letters, the initial EA has been revised.
- Summary of the Revised EA:
 - 1) No direct effects because BPA No. 2-19 is planning designation change with no “on-the-ground” changes.
 - 2) Increased pressure for new Bay fill not an indirect effect based on staff’s analysis of cargo forecast and most current information.
 - 3) Ballpark Project not an indirect effect or consequence of BPA No. 2-19, but rather is speculative.
 - Impacts of the Ballpark Project and mitigation measures (informed by City’s EIR) are nonetheless discussed – assuming the Ballpark Project to be an indirect effect of BPA No. 2-19.
 - Revised EA concludes it is not feasible to require mitigation measures for potential impacts of the Ballpark Project as condition of approval of BPA No. 2-19.

EA ERRATA CORRECTIONS

- Move the text from the footnote on Page 32 and add it to the end of the "Updated Information" section on Pages 25 and 26.
 - Page 29: "...and a 22-acre surplus without Howard Terminal (see discussion on page 26)."
 - Page 32: "...and a 22-acre surplus without Howard Terminal (see discussion on page 26)."
- "As described in the Staff Final Recommendation, a question also arose regarding the Shippers' Transport Express (STE) site. Including or not including the STE site in capacity calculations alters the summary tables in the Cargo Forecast that describe how many acres are available, and how many acres are needed, for future container use. Staff suggests that it would be most appropriate to evaluate container cargo needs as a range, rather than a precise number. Under Moderate Growth, the Port of Oakland will need 262-292 additional acres of space devoted to container cargo handling, against an available 283 acres without Howard Terminal. This would result in a range of 21 acres of surplus land, to a 9-acre deficit of land, by 2050. Staff considered this information and concluded that these marginal differences do not change the overall picture, given that a 9-acre deficit would not make a functional difference in the region's ability to meet the projected growth in cargo."

STAFF RECOMMENDATION

BCDC staff finds that the Oakland Athletics have demonstrated that removing Howard Terminal from Port Priority Use Area designation would not detract from the region's capability to meet the projected growth in cargo, and has demonstrated that the cargo forecast can be met with existing terminals. Therefore, BCDC staff recommend approval of BPA 2-19.



CHANGES TO RESOLUTION 16

52. Oakland (Port) (Amended by Bay Plan Amendment Nos. 5–82 and 4-00 and 2-19)

- (A) West Boundary: A line parallel to Wake Avenue from its intersection with Grand Avenue extended east to Wood Avenue.
- (B) (B) East Boundary: ~~Clay Street, Oakland, extended to shoreline.~~ East line of parcel number 18- 395-1.



THANK YOU!

